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EDGAR RAFAEL NAVARRO CHAVOYA
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 EDGAR RAFAEL NAVARRO
CHAVOYA,

15 Defendant.
16

Case No. 1:21-cr-00314-JLT-SKO

**STIPULATION TO CONTINUE TRIAL;
ORDER**

Date: September 17, 2024

Time: 8:30 a.m.

Judge: Jennifer L. Thurston

17 IT IS HEREBY STIPULATED by and between the parties through their respective
18 counsel, Assistant United States Attorney Joseph Barton, counsel for plaintiff, and Assistant
19 Federal Defender Erin Snider, counsel for Edgar Rafael Navarro Chavoya, that the Court may
20 continue the trial currently scheduled for May 21, 2024, at 8:30 a.m. to September 17, 2024, at
21 8:30 a.m.

22 The parties agree and request that the Court make the following findings:

23 1. On February 13, 2023, Mr. Navarro Chavoya filed a motion to dismiss the sole
24 count charged in the Indictment. The motion raised the issue of whether 8 U.S.C. § 1326 is
25 unconstitutional—an issue that was pending before the Ninth Circuit Court of Appeals in *United*
26 *States v. Carrillo-Lopez*, Case No. 21-10233.

27 2. At the April 24, 2023 hearing on the motion to dismiss, the Court took the matter
28 under advisement. Also at the hearing, and at the government's request, the Court set a trial date

1 of May 21, 2024.

2 3. On May 22, 2023, the Ninth Circuit issued its opinion in *Carrillo-Lopez*, which
3 upheld 8 U.S.C. § 1326 as constitutional.

4 4. On May 24, 2023, the Court entered an order denying Mr. Navarro Chavoya's
5 motion to dismiss in light of the *Carrillo-Lopez* ruling.

6 5. On September 8, 2023, the Ninth Circuit denied the petition for rehearing en banc
7 in *Carrillo-Lopez*.

8 6. On January 22, 2024, the Supreme Court denied certiorari in *Carrillo-Lopez*,
9 effectively closing the door on any further litigation regarding the constitutionality of 8 U.S.C.
10 § 1326.

11 7. In light of the final disposition of the *Carrillo-Lopez* case, counsel for Mr.
12 Navarro Chavoya requires additional time to consult with her client regarding his options,
13 conduct necessary investigation, and engage in plea negotiations with the government.

14 8. Counsel for Mr. Navarro Chavoya also requires additional time in light of other
15 case demands. Specifically, between the date of this stipulation and May 21, 2024—the date that
16 trial is currently scheduled to begin—defense counsel has eight sentencing hearings that require
17 substantial time to prepare due to either their complex nature or the substantial potential sentence
18 the defendant is facing.

19 9. Counsel for Mr. Navarro Chavoya believes that failure to grant the above-
20 requested continuance would deny her the reasonable time necessary for effective preparation,
21 taking into account the exercise of due diligence.

22 10. The government does not object to the continuance.

23 11. Based on the above-stated findings, the ends of justice served by continuing the
24 case as requested outweigh the interest of the public and the defendant in a trial within the
25 original date prescribed by the Speedy Trial Act.

26 12. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
27 *et seq.*, within which trial must commence, the time period of May 21, 2024, to September 17,
28 2024, inclusive, is excludable pursuant to 18 U.S. C. § 3161(h)(7)(A) and (B)(iv).

1 **IT IS SO STIPULATED.**

2 Respectfully submitted,

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4 PHILLIP A. TALBERT
 United States Attorney

5 Date: April 4, 2024

/s/ Joseph Barton
 JOSEPH BARTON
 Assistant United States Attorney
 Attorney for Plaintiff

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8 HEATHER E. WILLIAMS
 Federal Defender


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10 Date: April 4, 2024

/s/ Erin Snider
 ERIN SNIDER
 Assistant Federal Defender
 Attorney for Defendant
 EDGAR RAFAEL NAVARRO CHAVOYA

ORDER

IT IS SO ORDERED. The May 21, 2024 trial is continued to September 17, 2024, at 8:30 a.m. The trial confirmation hearing currently scheduled for April 29, 2024, at 10:00 a.m. is continued to August 26, 2024, at 9:00 a.m. The time period of May 21, 2024, to September 17, 2024, inclusive, is excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

Date: April 9, 2024


Hon. Jennifer L. Thurston
United States District Judge